

Surveillance and privacy



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Abstract

The Fourth Amendment protects people against unreasonable searches and seizures but what officers can discover through their ordinary senses in public areas such as streets and parks is of another issue. This paper briefly discusses how surveillance, which is being employed as part of police search to get personal information and evidence have countered the issue of privacy. Moreover, it discusses how innovation of technology can alter or distort the information gathering and how a person is affected through warrantless spying. Thus, it will show how surveillance and privacy conflicts to one another while maintaining the essence of Fourth Amendment.

Surveillance and Privacy

Technology had apparently dominated the various area of business, communication, transportation, and even surveillance. Specifically, the application of technology for security purposes is continuously improving and evolving. As such, surveillance devices have been paired with telecommunication to efficiently accomplish military and civilian operations with ease and accuracy. One good example of tracking device that is being used today is the Global Positioning System (GPS) that provide users with precise timing, positioning, and navigation while using satellites to determine its location. On one hand, a beeper, also known as a pager is a good example of telecommunication device that augments chances for fast-tracking and forecasting by receiving radio signal to initiate the process. Although GPS and beeper share a common goal for speedier connection, these two devices when paired together, would be a valuable tool for surveillance and in assisting security personnel for military operations. Moreover, as the technology of fast-tracking and navigation advances,

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several issues and controversy rose as to how GPS should be properly handle without violating individual's right to privacy. Although GPS data have given much consideration in criminal investigation, there are US states that did not consent the use of tracking device like GPS to vehicles owned by suspected criminals or ordinary citizens without any warrant. However, Wisconsin Appeals Court had just recently ruled the petition of warrantless GPS spying to almost anyone whether you are suspected of a crime or not. This lead to various debates of using technology to probe for a potential criminal versus one's right to privacy amidst all the methods employed to get evidence.

Furthermore, Samaha (2005) made an opinion on his book Criminal Procedures that “ the Fourth Amendment cannot be translated into a general constitutional “ right to privacy.” That Amendment protects individual privacy against certain kinds of governmental intrusion, but its protection go further, and often have nothing to do with privacy at all” (p. 64).

The statement pertaining to the Fourth Amendment have been scrutinized when David Foltz, a convicted sex offender who had been accused of abduction, was arrested in 2008 through a warrantless installation of GPS tracking device installed in his van. The accused was unaware of such and had been observed by the Fairfax Country Police for several days.

Eventually, Foltz was arrested but his lawyer Chris Leibig argued that the case should be dismissed for the police had violated Foltz's Fourth Amendment Rights by doing illegal search and seizure through an installed GPS unknown to the then potential suspect (Schultz, 2008). However, Arlington Country Circuit Court Judge Joan Alpert countered, “ the defendant has failed to show that there has been any actual invasion of his privacy” (as cited in Schultz, 2008, para. 3) and concluding that the method was indeed

acceptable.

Apparently, one leads to another – from the method of installing a hi-end tracking device to obtain further personal information down to scrutinizing claimed evidences, there comes a point where the authenticity of evidences took turn for verification. In a written report by Thomas Claburn (2009) last April, he challenged whether GPS data could really be admissible in court.

For this reason, he noted the accounts of Jon Warner and Roger Johnston from Vulnerability Assessment Team (VAT) saying, “ Civilian Global Positioning System (GPS) receivers are vulnerable to attacks such as blocking, jamming and spoofing” (as cited in Schultz, 2008, para. 6).

Therefore, ending up his article that those claims made by GPS manufacturer were just parody and GPS data should not be admissible in court without other supporting evidences (Schultz, 2008). Thus, a jammed and spoofed GPS data may eventually affect on how the justice system looked at technology as a one-way help for criminal investigation.

References

Claburn, T. (2009, April 30). GPS evidence too unreliable for legal purposes. Information Week.

Retrieved July 2, 2009, from www.informationweek.com/news/personal_tech/gps/show

Article. [jhtml? articleID= 217201050](http://www.informationweek.com/news/personal_tech/gps/showArticle.jhtml?articleID=217201050)

Samaha, J. (2005). Criminal procedures (6th ed.). Australia: Thomson/Wadsworth.

Schultz, D. (2008, August 5). GPS evidence allowed. Arlington Connection.

Retrieved July 2,

2009, from <http://zwerling.com/pdf/gpsevidence.pdf>

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